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APPENDIX "PRIV-4"

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President of the Queen's Privy
Council for Canada and
Government House Leader

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This paper sets out proposals for the reform and improvement of the formula whereby seats in the House of Commons are allocated among provinces. It also suggests improvements in the system whereby constituency boundaries are drawn within provinces.

Background

The redistribution of seats in the House of Commons operates in two stages. The first stage is governed by the rules set out in sections 51 and 52 of the Constitution Act, 1867. Those provisions specify the formula for determining the total number of seats in the House and for establishing how those seats are allocated among the provinces. The second stage of the process is provided for in the Electoral Boundaries Readjustment Act. It governs the drawing of constituency boundaries within individual provinces.

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. It begins with the first settlers who came to the shores of the Atlantic Ocean. They found a land of opportunity and freedom, a land where they could build a new life. The story of the United States is a story of the people who have lived here, of the challenges they have faced, and of the triumphs they have achieved.

THE FOUNDING

The story of the United States begins with the first settlers who came to the shores of the Atlantic Ocean. They found a land of opportunity and freedom, a land where they could build a new life. The story of the United States is a story of the people who have lived here, of the challenges they have faced, and of the triumphs they have achieved. The story of the United States is a story of the people who have lived here, of the challenges they have faced, and of the triumphs they have achieved. The story of the United States is a story of the people who have lived here, of the challenges they have faced, and of the triumphs they have achieved.

The redistribution exercise is triggered by the regular decennial census. First, a determination is made as to the number of seats to be allotted to each province. Electoral Boundaries Commissions are then appointed. They formulate constituency boundaries and then publish preliminary reports outlining their proposals. Public hearings are held. The final reports of the Commissions are tabled in the House of Commons so that the objections of Members of Parliament can be entertained and referred back to the Commissions for consideration.

Present Situation

The reports of the eleven Electoral Boundaries Commissions established after the 1981 census were tabled in the House of Commons during the last Parliament. Debate on the reports had commenced, but had not finished, when the House was dissolved for the general election. Consideration of the reports has not yet been concluded.

Therefore, this is an appropriate and convenient time to consider possible improvements that could be made in the redistribution process.

ProposalsA) Constitution Act, 1867

The total number of seats in the House of Commons would increase to 310 after the next general election if the redistribution process were to be concluded using the existing rules. Application of the present formula in succeeding years would result in further major increases in the size of the House. There would be 343 members by 1991 and 369 members by 2001.

These increases would carry with them several negative consequences. Significant amounts of funds would have to be allocated to cover the expanded costs of Members' salaries, travel and other expenses. The Administrator of the House of Commons estimates that increased direct costs alone could be in the range of \$90 million over the next decade if the House were increased to 310 Members. Table A sets out these costs. Also, the Chamber itself would have to be remodelled and new office space for Members would have to be created. It would be necessary to hire more support staff.

In addition, a significant increase in the number of Members in the House may well have an undesirable effect on the character of the House. Private Members would have relatively less opportunity to participate in debates and committee work. A sense of collegiality may be lost.

Finally, and most importantly, it is not clear that the electorate would be any better served by a larger House. More Members does not necessarily mean better representation.

A proposal for an improved formula for calculating the total number of seats in the House of Commons and their allocation among provinces is set out in the Draft Bill attached as Appendix A. It would accomplish three important goals:

- 1) limiting increases in the membership in the House of Commons to levels as moderate as are fair and practical;
- 2) ensuring that no province or territory will lose seats in the House of Commons through redistribution;

- 3) enabling provinces with growing populations to get additional seats, but in a way that reflects the need to maintain the House of Commons at something close to its present size.

Under the proposed formula one seat would first be allocated to the Yukon and two to the North West Territories. The remaining seats would then be distributed among the ten provinces by use of a quotient obtained by dividing the total population of those provinces by 279. The number of seats for each province would be calculated by dividing the population of the province by that quotient. However, those calculations would be subject to two qualifications. First, no province would ever lose seats as a consequence of redistribution. Second, where the result of the calculation would give a province more seats than it had in the last redistribution, the province would be assigned one-half of the increase to which the calculations would entitle it.

Under the proposed formula the House would increase to 288 members after the 1981 census, as compared with 310 under the existing formula. By 1991

there would be 292 members, as opposed to 343, and in the year 2001, only 296 members instead of 369. Table B sets out detailed province-by-province projections with respect to the operation of the proposed new formula.

B) Electoral Boundaries Readjustment Act

Under the terms of the Electoral Boundaries Readjustment Act as presently worded, Electoral Boundaries Commissions are required by law to ensure that the population of each electoral district is within 25% more or less of the "provincial quotient", i.e., the number obtained by dividing the population of the province by the total number of seats allocated to it. The proposal in the Draft Bill would give Commissions more flexibility and allow them to depart from the 25% rule where, in extraordinary situations, it is necessary to maintain a manageable geographic size for districts or to respect the community of interest or community of identity of a district.

The Draft Bill also contains proposals which would alter the method by which the reports of Commissions are handled in the House of Commons. At

present, objections to Commission Reports are dealt with on the floor of the House. This is an inefficient use of scarce House time and carries with it a tendency to minimize the extent to which objections can be given full and fair consideration. The Draft Bill proposes that Reports be referred directly to Committee for consideration. This would result in economies with respect to House time and enhance opportunities for Members to have their objections given serious consideration.

The Draft Bill also proposes a means of ensuring that Commission Reports are dealt with expeditiously. In addition, it suggests cost-saving changes in the way in which Commissions are required to advertise their hearings. By making electoral maps available free of charge from the Commission, and limiting the amount of material published in newspapers, a major saving to the taxpayer can be realized.

Agenda

The proposals contained in the Draft Bill represent a significant improvement in the redistribution process. The proposals are realistic,

cost effective and ensure that the Canadian public will continue to be well served by the House of Commons. It is hoped that, following a review of these proposals by the Standing Committee on Privileges and Elections, Parliament will be able to proceed expeditiously with needed reforms.

TABLE A

COSTS OF INCREASING
HOUSE OF COMMONS MEMBERSHIP
FROM 282 TO 310

<u>Direct costs</u>	<u>(Dollars)</u>	<u>Avg. Cost Per member</u>
a. Basic indemnity	\$1,490,000	\$ 53,200
b. Expense allowance	496,000	17,700
c. Retirement benefits (matching contribution by the House)	165,000	5,900
d. Members' Principal Budget (staff allowances)	2,638,000	94,200
e. Constituency office allowances	354,000	12,650
f. Travel and removal	726,000	25,900
g. Telephones	781,000	27,900
h. Printing (including householders)	395,000	14,100
i. Furniture, equipment, office supplies, etc.	638,000	22,800
j. Research budgets/ Leaders' offices	321,000	11,400
k. Employee benefits (Members' staff)	338,000	12,100
l. Employer's share of medical insurance plans	74,000	2,650
m. Mail franking privileges	<u>573,000</u>	<u>20,500</u>
TOTAL	<u>8,989,000</u>	<u>321,000</u>

APPENDIX "A"

.....Representation Act, 1985	
P. E. J..... 28/05/85	(Doc. 22072 110)
*11	12
*13	14
1The House of Commons of Canada	17
BBILL C-	20
An Act to amend the Constitution Act, 1867 and the Electoral Boundaries Readjustment Act and to provide for certain matters in relation to the 1981 decennial census	24
Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:	27
2short title	30
Short title	33
1. This Act may be cited as the /Representation Act, 1985/.	37
4PART I	41
5CONSTITUTION ACT, 1867	44
2. Subsection 51(1) of the /Constitution Act, 1867/, as enacted by the /Constitution Act, 1974/, is repealed and the following substituted therefor:	48
Readjustment of representation in Commons	51 52 53
"51. (1) The number of members of the House of Commons and the representation of the provinces therein shall, on the coming into	57

.....Representation Act, 1985
P. E. J..... 28/05/85 (Doc. 22072 110)

force of this subsection and thereafter on the completion of each decennial census be readjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides, subject and according to the following rules:	58
Rules	61
1. There shall be assigned to each of the provinces a number of members equal to the number obtained by dividing the total population of the provinces by two hundred and seventy-nine and by dividing the population of each province by the quotient so obtained, disregarding the remainder, if any, after the said process of division.	65 66 67
2. If the total number of members that would be assigned to a province by the application of rule 1 is less than the total number assigned to that province by the last preceding readjustment of the representation of that province made in accordance with this Act, there shall be added to the number of members so assigned such number of members as will result in the province having the same number of members as were assigned by the last preceding readjustment.	70 71 72
3. If the total number of members that would be assigned to any province by the application of rule 1 is greater than the total number assigned to that province by the last preceding readjustment of the representation of that province made in accordance with this Act, the number of additional members that would be so assigned shall, unless the number of additional members is one, be reduced so that the actual number assigned is equal to one-half of the additional number that would be so assigned	75 76 77 78

.....Representation Act, 1985
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plus, where the number of additional members
that would be so assigned is an odd number in
excess of one, one other member. '' _

Short title 81
and 82
citation 83

3. This Part may be cited as the /Constitution
Act, 1985,/ and the /Constitution Acts 1867 to
1982/ and this Part may be cited together as the
/Constitution Acts 1867 to 1985/. 87

4PART II 90

SELECTORAL BOUNDARIES READJUSTMENT FOR 1981 CENSUS 93

Transitional 96

4. (1) Notwithstanding anything that was done 100
under the /Electoral Boundaries Readjustment Act/
prior to the coming into force of this Act in
respect of the decennial census of Canada taken in
the year 1981, on the coming into force of this 101
Act, the /Electoral Boundaries Readjustment Act/,
as amended by Part III of this Act, shall be
applied as if subsection 51(1) of the
/Constitution Act, 1867/, as amended by Part I of 102
this Act, had been in force immediately following
that decennial census and, except in respect of 103
the Northwest Territories, electoral boundaries
commissions shall be established and carry out
their duties under the /Electoral Boundaries 104
Readjustment Act/ in all respects as though
nothing had been done under that Act and no time
had elapsed following that census.

Presumption 107

(2) Notwithstanding subsection (1), the 111
certified return of the Chief Statistician of

.....Representation Act, 1985
P. E. J..... 28/05/85 (Doc. 22072 110)

Canada referred to in section 11 of the /Electoral
Boundaries Readjustment Act/ and sent pursuant to 112
that Act to the persons referred to in that
section following the decennial census of Canada
taken in 1981 shall, for the purposes of applying
that Act in accordance with subsection (1) of this
section, be deemed to have been sent to those
persons and to have been received by them on the 113
day on which this Act comes into force.

4PART III 116

R.S., c. E-2 119

SELECTORAL BOUNDARIES READJUSTMENT ACT 122

5. The definition "'report'" in subsection 2(1) 126
of the /Electoral Boundaries Readjustment Act/ is
repealed and the following substituted therefor:

"'report'" 129
</rapport/> 130

"'report'" _means the report prepared by a 134
commission under section 18;_"

1978-79, c. 13, s. 26(1) 137

6. Paragraphs 13(1)(/a/) to (/c/) of the said 141
Act are repealed and the following substituted
therefor:

"(/a/) the division of the province into 144
electoral districts and the description of the
boundaries thereof shall proceed on the basis
that the population of each electoral district
in the province as a result thereof shall _as 145
close as reasonably possible_ correspond to
the electoral quota for the province, that is
to say, the quotient obtained by dividing the
population of the province as ascertained by

.....Representation Act, 1985
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the census by the number of members of the 146
House of Commons to be assigned to the
province as calculated by the Chief Electoral
Officer under section 12; and

((b/)) the commission may depart from the 149
application of rule (/a/) in any case where
the commission considers it necessary or
desireable to depart therefrom

(i) in order to respect the community of 152
interest or community of identity in or the
historical pattern of an electoral district
in the province, or

(ii) in order to maintain a manageable 155
geographic size for districts in sparsely
populated, rural or northern regions of the
province,

but in departing from the application of rule 158
(/a/), the commission shall make every effort
to ensure that, except in circumstances viewed
by the commission as being extraordinary, the
population of each electoral district in the 159
province remains within twenty-five per cent
more or twenty-five per cent less of the
electoral quota for the province."_

7. Subsections 17(2) to (4) of the said Act are 163
repealed and the following substituted therefor:

Idem 166

"_(1.1) For greater certainty, any member of 170
Parliament may make representations at any
sittings held by a commission for the hearing of
representations from interested persons._

Notice to be 173

.....Representation Act, 1985	
P. E. J..... 28/05/85	(Doc. 22072 110)
given by	174
public	175
advertisement	176
(2) Notice of the time and place fixed by the	180
commission for any sittings to be held by it for	
the hearing of representations from interested	
persons shall be given by advertisement	
published in the /Canada Gazette/ and in at	181
least one newspaper of general circulation in	
the province at least _sixty_ days before the	
commencement of the sittings.	
Advertisement	184
to include	185
certain	186
information	187
(3) There shall be included in the	191
advertisement referred to in subsection (2), a	
_map or drawing prepared by the commission	
showing the proposed division of the province	
into electoral districts and indicating the	192
population and name proposed to be given to each	
district, which map or drawing shall be in such	
form and contain such detail as, in the opinion	
of the commission, will be reasonably sufficient	193
for the purpose for which the sittings of the	
commission are to be held and	
(/a/) in the case of the advertisement	196
published in the /Canada Gazette/, a schedule	
shall be included setting forth a description	
of the proposed boundaries of each electoral	
district in the province, indicating the	197
population and name proposed to be given to	
each such district; and	
(/b/) in the case of the advertisement	200
published in the newspaper, a notice shall be	
included indicating that a copy of the	

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schedule referred to in paragraph (/a/) may be
obtained free of charge on request by any 201
person from the commission at its address set
out in the advertisement or from the Chief
Electoral Officer at his address set out in
the advertisement._

Notice of 204
representation 205
to be given 206
before 207
sittings 208

(4) No representation shall be heard by a 212
commission at any sittings held by it for the
hearing of representations from interested
persons unless notice in writing is given to the
secretary of the commission within _fifty-three_ 213
days from the date of the publication of the 214
last advertisement _under_ subsection (2),
stating the name and address of the person by
whom the representation is sought to be made and
indicating concisely the nature of the
representation and of the interest of _the_ 215
person." "

1978-79, c. 13, 218
s. 24 219

8. Subsection 18(1) of the said Act is repealed 223
and the following substituted therefor:

Time within 226
which report 227
to be completed 228

" 18. (1) Each commission shall, not later 232
than one year after the receipt by the chairman
from the Chief Electoral Officer of the copy of
the return referred to in section 11, complete
_a report for presentation to the House of 234

.....Representation Act, 1985
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Commons setting forth the considerations and proposals of the commission concerning the division of the province into electoral districts, the descriptions and boundaries of the districts and the population and name to be given to each district_ and on the completion of the report shall cause two certified copies thereof to be transmitted to the Chief Electoral Officer."	235
1978-79,	238
c. 13, s. 26(1)	239
9. Subsection 19(1) of the said Act is repealed and the following substituted therefor:	243
Report to be	246
referred to	247
committee	248
"19. (1) On receiving the certified copies referred to in section 18 of the report of any commission, the Chief Electoral Officer shall transmit one of the copies thereof to the Speaker who shall, subject to subsection (2), cause such copy to be laid before the House of Commons _and referred to such committee of the House of Commons as it may establish for the purposes of dealing with electoral matters_ forthwith upon its receipt by him if Parliament is then sitting or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting."	252
	253
	254
	255
	256
1978-79, c. 13,	259
s. 26(1)	260
10. Section 20 of the said Act is repealed and the following substituted therefor:	264
Procedure	267

.....Representation Act, 1985
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where 268
 objection 269
 filed 270
 with 271
 Standing 272
 Committee 273

"20. (1) If, within a period of thirty days 277
 from the day the copy of the report of any
 commission for a province is referred to the
 committee referred to in subsection 19(1) or
 published pursuant to subsection 19(2), an 278
 objection in writing in the form of a motion for 279
 consideration by the committee of the matter
 of the objection, signed by not less than ten
 members of the House of Commons is filed with
 the clerk of the committee specifying the 280
 provisions of the report objected to and the
 reasons for the objection, the committee
 shall, within the first thirty days next after
 the expiration of that period that Parliament
 is sitting or within such greater period as the 282
 House of Commons may allow, take up the motion,
 consider the matter of the objection and return
 the report to the Speaker together with a copy
 of the objection and of the minutes of
 proceedings of the committee with respect 284
 thereto.

Reference 287
 back for 288
 reconsideration 289
 by 290
 commission 291

(2) The Speaker shall forthwith refer back to 295
 the Chief Electoral Officer the report returned
 to him under subsection (1) together with a copy
 of the objection and of the minutes of
 proceedings of the committee with respect

.....Representation Act, 1985	
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thereto for reconsideration by the commission	296
having regard to the objection._''	
1978-79, c. 13,	299
s. 26	300
11. (1) Paragraph 22(1)(/a/) of the said Act is	304
repealed and the following substituted therefor:	
''(/a/) it is ascertained by the Chief	307
Electoral Officer that no objection has been	
filed with the _chairman of the committee	
referred to in subsection 19(1)_ in the manner	
and within the time prescribed therefor in	308
section 20, or''	
(2) Paragraph 22(2)(/b/) of the said Act is	311
repealed and the following substituted therefor:	
''(/b/) divide each of the provinces into	314
electoral districts, describe the boundaries	
of each such district and specify the	
population and name to be given thereto, in	315
accordance with the recommendations contained	
in the reports referred to in subsection	
(1).''	
Transitional	318
12. Sections 19 and 20 of the /Electoral	322
Boundaries Readjustment Act/, as amended by this	
Act, apply in respect of the electoral boundary	
readjustment for the Northwest Territories in	
respect of the decennial census of Canada taken	323
in 1981 notwithstanding anything done under	
those sections in respect of that census before	
the coming into force of this Act and, for the	
purposes of those sections, the copy of the	
report of the electoral boundaries commission	324
for the Northwest Territories in respect of that	
census that was transmitted to and received by	

.....Representation Act, 1985
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the Speaker of the House of Commons under
subsection 19(1) of that Act, as it read
immediately before the coming into force of this 325
Act, shall forthwith after the coming into force
of this Act be referred by the Speaker to the
committee referred to in subsection 19(1) of
that Act as enacted by this Act.

2coming into force 328

Commencement 331

13. This Act shall come into force on a day to 335
be fixed by proclamation.



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